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IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD P. WELLS, For Himself  
And In His Representative Capacity  
As Administrator of the Estate of  
Marilyn Wells, Decedent, and As  
Guardian of His Minor Children,

Plaintiff,

vs.

CALIFORNIA PHYSICIANS'  
SERVICE, dba BLUE SHIELD OF  
CALIFORNIA,

Defendants.

Case No. C 05 1229 CRB

**STIPULATION AND [PROPOSED]  
ORDER ALLOWING COUNSEL TO  
APPEAR AT CASE MANAGEMENT  
CONFERENCE BY TELEPHONE**

**Case Management Conference:**

Date: October 20, 2006

Time: 8:30 a.m.

Place: Courtroom 8

1 IT IS HEREBY STIPULATED by and between plaintiff Richard P. Wells, in  
2 his individual capacity, as administrator of the Estate of Marilyn Wells, decedent,  
3 and as guardian of his minor children ("Plaintiff") and defendant California  
4 Physicians' Service, dba Blue Shield of California's ("Blue Shield"), through their  
5 respective counsel of record, as follows:

6 WHEREAS, a Case Management Conference in the above-captioned matter  
7 is currently set for 8:30 a.m. on October 20, 2006;

8 WHEREAS, all parties and their counsel participated in a Settlement  
9 Conference in this matter before Magistrate Judge Joseph C. Spero on September  
10 28, 2006;

11 WHEREAS, James Rhoads, lead counsel for Plaintiff is based in Atlanta,  
12 Georgia;

13 WHEREAS, Adam Pines, lead counsel for Blue Shield, is based in Los  
14 Angeles, California;

15 WHEREAS, counsel and the parties spent significant time with each other  
16 and working on this action at depositions and the Settlement Conference on  
17 September 26-28, 2006; and

18 WHEREAS, allowing counsel for the parties to appear by telephone at the  
19 October 20, 2006 Case Management Conference will save the parties significant  
20 expense without any prejudice to the case or the Court,

21 NOW, THEREFORE, and based upon the above recitals, it is hereby agreed  
22 and stipulated by the parties hereto, through their respective attorneys of record,  
23 that:

24 1. Counsel for Plaintiff may appear by telephone at the October 20, 2006  
25 Case Management Conference. Mr. Rhoads will be available at telephone number  
26 (404) 723-8397 between 8:30 and 10:00 a.m. (PST) on October 20, 2006; and

27 2. Counsel for Blue Shield may appear by telephone at the October 20,  
28

2006 Case Management Conference. Mr. Pines will be available at telephone number (310) 312-4322 between 8:30 and 10:00 a.m. (PST) on October 20, 2006.

IT IS SO STIPULATED.

MANATT, PHELPS & PHILLIPS, LLP  
GREGORY N. PIMSTONE  
ADAM PINES  
TRAVIS A. CORDER

Dated: October 2, 2006

By: s/ Adam Pines

Adam Pines  
*Attorneys for Defendant*  
CALIFORNIA PHYSICIANS' SERVICE,  
dba BLUE SHIELD OF CALIFORNIA

BENJAMIN FRANKLIN LEGAL  
FOUNDATION

Dated: October 2, 2006

By: s/ James B. Rhoads

James B. Rhoads  
*Attorney for Plaintiff*  
RICHARD P. WELLS

*Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Adam Pines hereby attests that concurrence in the filing of this document has been obtained.*

**ORDER**

IT IS SO ORDERED.

Date: Oct. 03, 2006

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